

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL J. O'CONNELL, et al.,)	
)	
Plaintiffs,)	
)	Case No.: 4:04CV1060SNL
v.)	
)	
MARK P. ZERILLO, an individual, d/b/a ZERILLO)	
SERVICES and d/b/a M.Z. PLUMBING,)	
)	
Defendant.)	

JUDGMENT

Plaintiffs filed this action to recover from defendant Mark P. Zerillo, an individual, doing business as Zerillo Services and doing business as M.Z. Plumbing delinquent contributions and union dues allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover audit fees, attorneys' fees and court costs incurred in this action.

Pursuant to Order of this Court, an audit was performed on defendant's payroll records. Plaintiffs have computed the amounts owed by defendant based on this audit and based on paycheck stubs submitted to plaintiffs by two of defendant's plumber employees. These computations reflect that defendant owes \$39,868.57 in contributions and \$5,865.19 in Union dues and assessments.

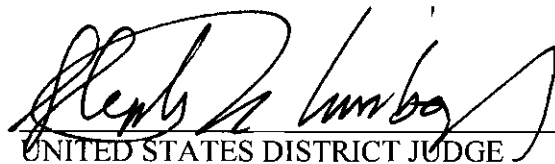
The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), requires defendant to pay plaintiffs' legal fees and costs, as well as the fees associated with the audit. Plaintiffs have incurred legal fees and court costs of \$1,023.30 and audit fees of \$625.00. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount

sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs is \$47,382.06.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs shall recover from defendant Mark P. Zerillo, an individual, doing business as Zerillo Services and doing business as M.Z. Plumbing the total amount of \$47,382.06.

SO ORDERED:


UNITED STATES DISTRICT JUDGE

Date: 1/31/06